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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,773	10/11/2000	Timothy L. Racette	99556466	5174

7590 09/05/2003

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EXAMINER

WINTER, GENTLE E

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 09/05/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/686,773

Applicant(s)

RACETTE ET AL.

Examiner

Gentle E. Winter

Art Unit

1746

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 August 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

10. ☐ Other: _____

JOY GUSAKOWSKI
SOLICITORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Continuation of 2. NOTE: Applicant argued, by counsel:

There was agreement with the examiner that this takes into account that in some cases there might be some residual contaminants on the substrates after the cleaning process that may or may not be soluble in the organic solvent, which could be abraded from the substrates while being exposed to the liquid carbon dioxide.

The foregoing reflects a divergence of opinion as to the nature of any agreement. The examiner was more concerned with allowing for the fact that there might be some surface abrasion resulting from the contact between the substrate and the pressurized cleaning solvent. Further, claim 72 further limiting claims 1, 2, 33, 50, or 58, which was added after the discussion is unambiguous in its recitation "wherein the contaminant comprises an insoluble particulate." The discussion was specifically drawn to a system where the contaminant was soluble in the organic solvent and was insoluble in the pressurized liquid solvent. This claim goes contrary to this examiner's understanding of what was discussed which was the criticality of the nature of the stain, the substrate and the organic solvent. What differentiates the organic solvent from the pressurized fluid if the stain is insoluble in both?

Additionally, the arguments appear to go contrary to the explicit teaching of the specification, disclosing, at page 22 line 14 et seq. disclosing:

The textiles may also be cleaned with a combination of organic solvent and pressurized fluid solvent, and this combination may be in varying proportions from about 50% by weight to 100% by weight of organic solvent and 0% by weight to 50% by weight of pressurized fluid solvent.

The same is reiterated at page 23 line 1-9.

It is also noted that the amendment of paper 5, dated 8/30/2003 adds the limitation "in the absence of liquid carbon dioxide" to claims 1, 2, 33, 50, 57, and 58. Upon careful inspection it does not appear that applicant provided the location where this amendment is supported in the specification as originally filed. As such it is not clear that the invention, as currently claimed was even contemplated in its present form.

For at least the foregoing the application is not in position for allowance, and would not be in position for allowance even if the instant proposed amendment was entered. As such the amendment will not be entered and the finality of the rejection is maintained.